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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

TRUSTEES of the NORTHERN CALIFORNIA
TILE INDUSTRY PENSION TRUST FUND;
TRUSTEES of the NORTHERN CALIFORNIA
TILE INDUSTRY HEALTH AND WELFARE
TRUST FUND; TRUSTEES of the NORTHERN
CALIFORNIA TILE INDUSTRY
APPRENTICESHIP AND TRAINING TRUST
FUND; TRUSTEES of the NORTHERN
CALIFORNIA TILE INDUSTRY VACATION
AND HOLIDAY TRUST FUND; and TRUSTEES
of the NORTHERN CALIFORNIA TILE
INDUSTRY LABOR MANAGEMENT
COOPERATION TRUST FUND;

Plaintiffs,

v.

PREMIER STONE AND TILE, INC., a
California corporation; and DOES 1-30,

Defendants.

Case No. 3:14-CV-03560-WHO

**STIPULATION FOR WITHDRAWAL
OF DEFENDANT'S ATTORNEYS
AND
TO CONTINUE
CASE MANAGEMENT
CONFERENCE, JOINT
STATEMENT, 26(f) CONFERENCE &
INITIAL DISCLOSURES;**

ORDER

Date: Nov. 4, 2014

Time: 2:00 p.m.

Judge: The Hon. William H. Orrick

Location: 450 Golden Gate Ave.

Courtroom 2 - 17th Floor

San Francisco, CA 94102

1 Plaintiffs Trustees of the Northern California Tile Industry Pension Trust Fund; Trustees of
2 the Northern California Tile Industry Health and Welfare Trust Fund; Trustees of the Northern
3 California Tile Industry Apprenticeship and Training Trust Fund; Trustees of the Northern
4 California Tile Industry Vacation and Holiday Trust Fund; and Trustees of the Northern California
5 Tile Industry Labor Management Cooperation Trust Fund (“Plaintiffs” or “Trust Funds”), and
6 Defendant Premier Stone and Tile, Inc. (“Defendant”), by and through their respective counsel,
7 stipulate to continue the Case Management Conference currently set for November 4, 2014, at 2:00
8 p.m., as well as the related deadlines for the Parties’ Joint Statement, Rule 26(f) Conference, and
9 Initial Disclosures. This request for a continuance is based on Plaintiffs’ request for withdrawal of
10 Defendant’s counsel based on a conflict, and Defendant’s agreement to withdraw after substitution
11 of counsel. In support of the continuance, the parties stipulate:

12 1. The Case Management Conference is currently set for November 4, 2014, at 2:00
13 p.m. The Parties’ Joint Statement is due by October 28, 2014. The last day to conduct a Rule 26(f)
14 Conference is set for October 14, 2014, and initial disclosures are due within 14 days of the Rule
15 26(f) Conference.

16 2. On or about March 31, 2014, the Trust Funds’ collection attorney sent a letter to
17 Defendant’s president, requesting additional information related to an audit.

18 3. On or about April 2014, attorney Ronald A. Peters of Littler Mendelson, P.C.
19 (“Littler”), replied, stating that he was representing Defendant in responding to requests for audit-
20 related documents.

21 4. Littler Mendelson attorney and shareholder Richard A. Hill serves as a Trustee and
22 fiduciary for the Trust Funds.

23 5. On or about May 19, 2014, Littler sent a letter asserting that it had instituted a
24 conflict screen between Mr. Peters, and Mr. Hill.

25 6. On or about August 6, 2014, the Complaint in the instant lawsuit was filed. Prior to
26 service of the Complaint, on or about August 11, 2014, counsel for Plaintiffs sent a letter to Mr.
27 Peters, informing counsel about the instant lawsuit and asserting that Littler had a disqualifying
28 conflict based on the duties of loyalty and confidentiality. Counsel for Plaintiffs requested that

1 Littler not provide any further legal services to Defendant in connection with the Trust Funds'
2 claims.

3 7. On August 12, 2014, the Complaint was served on Defendant.

4 8. On or about August 25, 2014, counsel for Defendant sent a letter to counsel for
5 Plaintiffs stating that it would not withdraw from the case.

6 9. On or about September 3, 2014, Defendant answered the Complaint.

7 10. On or about October 3, 2014, counsel for Plaintiff sent a draft copy of a motion for
8 disqualification of Littler based on its conflicting duties of loyalty and confidentiality, again
9 requesting that Littler voluntarily withdraw from this case and offering to stipulate to rescheduling
10 for the Rule 26(f) conference, initial disclosures deadline, Joint Statement and Case Management
11 Conference deadlines to allow Defendant to obtain alternate counsel.

12 11. On or about October 8, 2014, Littler informed counsel for Plaintiffs that it disagreed
13 that it had a conflict, but it would withdraw from the case voluntarily after Defendant had the
14 opportunity to obtain alternate counsel. Plaintiffs agreed to hold off on filing their Motion for
15 Disqualification pending Defendant's filing of a Substitution of Counsel.

16 12. Defendant is presently seeking new counsel. Littler will remain as Defendant's
17 counsel until it can file a Substitution of Counsel, which Littler will do no later than October 31,
18 2014. It is in the best interests of the Parties and will conserve Court resources to resolve the
19 conflicts and disqualification issues without a formal motion, and to allow Defendant's new
20 counsel to participate in the 26(f) conference, joint statement, and case management conference.
21 The Parties respectfully submit that this constitutes good cause for continuing the Case
22 Management Conference.

23 13. Therefore, to allow for Defendant to obtain new counsel, the Parties stipulate and
24 agree to continue the Case Management Conference currently set for November 4, 2014, at 2:00
25 p.m., for three weeks, until November 25, 2014, or to another date set by the Court, as well as to

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1 continue the Parties' Joint Statement, Rule 26(f) Conference, and Initial Disclosures deadlines in
2 accordance with the re-set Case Management Conference.

3 **IT IS SO STIPULATED.**

4 Dated: October 15, 2014

DAVIS, COWELL & BOWE, LLP

*I attest that concurrence in the filing of
this document has been given by each of
the other signatories indicated by a /s/.*

By: /s/ John J. Davis, Jr.

John J. Davis, Jr.

Sarah Grossman-Swenson

Attorneys for Plaintiffs

10 Dated: October 15, 2014

LITTLER MENDELSON, P.C.

By: /s/ Ronald A. Peters

Ronald A. Peters

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*Attorneys for Defendant Premier Stone &
Tile*

20 **ORDER**

21 The foregoing stipulation is approved. Accordingly,

22 **IT IS SO ORDERED.** The Case Management Conference shall be continued to
23 November 25, 2014, at 2:00 p.m., and the deadlines for the Rule 26(f) Conference, Joint Statement,
24 and Initial Disclosures shall be continued for three weeks.

26 Dated: October 16, 2014



WILLIAM H. ORRICK

United States District Judge